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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,133	02/18/2004	Benoit Barabe	50037.220US01	5200

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EXAMINER

ABDUL-ALI, OMAR R

ART UNIT	PAPER NUMBER
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2178

MAIL DATE	DELIVERY MODE
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02/20/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/782,133

Applicant(s)

BARABE ET AL.

Examiner

Omar Abdul-Ali

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

The following action is in response to the Request for Continued Examination (RCE) filed October 31, 2007. Amended Claims 1-18 are pending and have been considered below.

A. The prior art rejections have been withdrawn as necessitated by Applicant's amendments.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 8, 9, 13, 14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Berman et al. (US 5,760,773).

Claim 1: Berman discloses a method and apparatus for receiving input in a writing window from a user on a display, comprising:

a. placing a glom widget (action handle '40a') next to a node handle (cursor, '90') associated with current handwriting that is located near a current writing location such that the user selects the glom widget with reduced movement as compared to accessing a toolbar associated with the writing window (Figure 11a). Specifically,

Berman discloses an action handle caret that is displayed with a curser corresponding to the current writing position that is used to select handwriting and text (column 21, lines 6-25).

b. wherein the glom widget (action handle) is represented by a single selectable graphic that includes only two states including a selected state and a non-selected state (column 21, lines 40-67). Specifically, Berman discloses a non-selected state where the action handle is displayed with the cursor, and a selected state where the user is able to select and drag the action handle to make a selection.

c. maintaining the placement of the glom widget while the node handle is active such that the glom widget is statically positioned during the handwriting that is associated with the node handle (column 21, lines 40-45). Berman discloses the action handle is displayed in association with a flashing insertion point continuously, so that the user will readily be able to find the insertion point.

d. displaying a glom widget menu having menu items that are associated with handwriting near the current writing location when the glom widget is selected (column 4, lines 35-50). Specifically, Berman discloses the action handle may be tapped to reveal commands in a context menu such as "delete" and "make upper case".

Claims 8 and 13: Berman discloses a method and apparatus for receiving input in a writing window from a user on a display, comprising:

a. a display screen configured to receive user input from a pen (column 7, lines 53-65);

- b. determining a current writing location (column 12, lines 36-47);
- c. placing a glom widget (action handle) near the current writing location that provides access to commands associated with writing (Figure 11a);
- d. wherein the glom widget includes only a selected state and an unselected state (column 21, lines 40-67). Specifically, Berman discloses a non-selected state where the action handle is displayed with the cursor, and a selected state where the user is able to select and drag the action handle to make a selection.
- e. maintaining the placement of the glom widget while the node handle is active such that the glom widget is statically positioned during the handwriting that is associated with the node handle (column 21, lines 40-45). Berman discloses the action handle is displayed in association with a flashing insertion point continuously, so that the user will readily be able to find the insertion point.
- f. displaying a glom widget menu that includes menu items to access the commands that are associated with the writing near the current writing location when the glom widget is selected (column 4, lines 35-50). Specifically, Berman discloses the action handle may be tapped to reveal commands in a context menu such as "delete" and "make upper case".

Claims 9 and 14: Berman discloses a method and apparatus for receiving input in a writing window from a user on a display as in Claim 8 above, further comprising:

- a. placing the glom widget near the current writing location further comprises placing the glom widget such that user movement to access the glom widget is

decreased as compared to accessing a corresponding command contained within a fixed menu (column 21, lines 40-45).

Claim 16: Berman discloses a method and apparatus for receiving input in a writing window from a user on a display as in Claim 14 above, further comprising:

a. the glom widget menu comprises a set of commands associated with writing (column 4, lines 35-50).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 5, 6, 11, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berman et al. (US 5,760,773).

Claim 2: Berman discloses a method and apparatus for receiving input in a writing window from a user on a display as in Claim 1 above, further comprising providing commands associated with writing ("delete", "make upper case", "make bold face") in an action handle context menu. Berman does not explicitly disclose the menu contains the specific commands: bullets; numbering; treat ink as drawing; pen; select; erase and cancel. However, Official Notice is taken that it is old and well known in the computer

arts to provide these specific commands in context menus. Since Berman discloses including commands associated with writing in a context menu, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include various types of commands associated with writing having the teaching of Berman. One would have been motivated to include the specific commands of the present invention in a context menu to provide the user with additional options associated with writing.

Claim 5: Berman discloses a method and apparatus for receiving input in a writing window from a user on a display as in Claim 1 above, further comprising:

a. the glom widget menu comprises a set of commands associated with writing (column 4, lines 35-50).

Claims 6, 11, and 17: Berman discloses a method and apparatus for receiving input in a writing window from a user on a display as in Claims 5, 9, and 14 above, but does not explicitly disclose the glom widget menu is customizable. However, customizing interface menus is common in the computer arts, and it would have been obvious to one having ordinary skill in the art at the time the invention was made that the menu for the glom widget could be customized. One would have been motivated to customize the widget menu in Berman in order to add additional operations that may be tailored towards user preferences for certain programs.

5. Claims 3, 4, 10, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berman et al. (US 5,760,773) in view of Kupka (US 7,055,110).

Claims 3, 10, and 15: Berman discloses a method and apparatus for receiving input in a writing window from a user on a display as in Claims 2, 8, and 13 above, but does not explicitly disclose placing the glom widget near the current writing location further comprises placing the glom widget based on an input language being written. Kupka discloses a system and method for a common on screen zone for menu activation and stroke input that further comprises commands or actions that correspond to font characteristics and paragraph characteristics (column 5, lines 48-61). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the widget in Berman could be placed based on an input language being written. One would have been motivated to place the widget based on an input language being written in order to provide custom options that correspond to the language being written.

Claim 4: Berman and Kupka disclose a method and apparatus for receiving input in a writing window from a user on a display as in Claim 3 above, but neither reference explicitly discloses placing the glom widget near the writing location further comprises placing the glom widget on a left side of the node handle that is associated with the current writing location. However, Berman discloses placing an action handle under the cursor (Figure 11) and it would have been obvious to one having ordinary skill in the art



to place the action handle on any side of the cursor given the teaching of Berman. One would have been motivated to place the glom widget on a left side of the node handle associated with the current writing location for design choice.

6. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Abdul-Ali whose telephone number is 571-270-1694. The examiner can normally be reached on Mon-Fri(Alternate Fridays Off) 8:30 - 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAA  
1/31/2008



**STEPHEN HONG**  
SUPERVISORY PATENT EXAMINER